

BOISE, THURSDAY, AUGUST 18, 2011, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37433

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
TODD JAMES SURINER,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Molly J. Huskey, State Appellate Public Defender; Diane M. Walker, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

Todd James Suriner confessed on several occasions to committing lewd conduct with his daughters. Suriner was charged with two counts of lewd conduct with a minor under the age of sixteen. At trial, the state presented evidence that included testimony by the officers who conducted the interviews with Suriner, the doctor who conducted the physical examination of the girls, and Suriner's wife. Video recordings of Suriner's confessions and audio recordings of his phone calls from jail were also admitted into evidence. At the close of the state's case, Suriner moved to dismiss the charges pursuant to the doctrine of corpus delicti and argued the state failed to present sufficient evidence to corroborate his confessions. The district court denied the motion and, at the end of the trial, the jury found Suriner guilty of both charges. Suriner appeals, challenging the denial of his motion to dismiss and the instructions given to the jury.

BOISE, THURSDAY, AUGUST 18, 2011, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37509

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
BYRON HEALY,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Ron Schilling, District Judge. Hon. Debra A. Orr, Magistrate.

Mark J. Mimura, Canyon County Public Defender; Casey H. Swensen, Deputy County Public Defender, Caldwell, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

A police officer stopped Byron Healy for speeding and failing to maintain his lane of travel. The officer performed standard field sobriety tests on Healy, which he failed, and the officer placed Healy under arrest. After Healy was transported to the jail, the arresting officer administered a breath test using the Intoxilyzer 5000EN.

The State charged Healy with driving under the influence. At trial, Healy objected to the admission of his breath test results, asserting the State failed to show that the administrative procedures which ensure the reliability of the test had been met. After hearing the testimony of a breath testing specialist, who attested that the machine was working properly, the magistrate overruled Healy's objection and admitted the breath test results into evidence. The jury found Healy guilty of driving under the influence. Healy appealed and the district court affirmed. Healy appeals the district court's intermediate appellate decision affirming his judgment of conviction.

BOISE, THURSDAY, AUGUST 18, 2011, AT 1:30 PM

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37865

HAMISH ALLAN BELL,)
)
Petitioner-Appellant,)
)
v.)
)
IDAHO TRANSPORTATION)
DEPARTMENT,)
)
Respondent.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Kathryn A. Sticklen, District Judge.

Nevin, Benjamin, McKay & Bartlett, Boise, for appellant.

Michael Kane & Associates, PLLC, Boise, for respondent.

Hamish Bell appeals the district court's decision upon judicial review affirming the Idaho Transportation Department's decision to uphold the administrative suspension of his driving privileges for failure of evidentiary testing following his arrest for driving under the influence. Bell asserts that his due process rights were violated relative to the hearing and the denial of discovery which he requested. Bell also contends that he affirmatively proved that he was entitled to have his driver's license suspension vacated.